

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**ARNOLD K. RICHARDS and
MARY L. RICHARDS, his wife,**

Plaintiffs,

v.

**CIVIL ACTION NO. 1:17cv50
(Hon. Irene M. Keeley)**

EQT PRODUCTION COMPANY,

Defendant.

DEFENDANT'S PROPOSED JURY VERDICT FORM

Defendant EQT Production Company ("EQT Production"), by counsel, submits the following proposed Jury Verdict Form for the above-captioned action. This proposed Verdict Form is submitted pursuant to the Courts' Second Scheduling Order dated June 12, 2018 (ECF 50). Defendant reserves the right to amend this proposed Verdict Form in response to this Court's pretrial rulings, evidence submitted at trial, or rulings made at trial.

VERDICT FORM

1. Do you find by a preponderance of the evidence that Defendant materially breached the terms of the parties' Leases by failing to pay royalties as required by the royalty payment provisions of those Leases?

Yes: _____

No: _____

2. Do you find by a preponderance of the evidence that Defendant has reported to Plaintiffs the income and expenses used to calculate royalties from the sale of natural gas from the wells that are the subject of this case?

Yes: _____

No: _____

3. Do you find by clear and convincing evidence that Plaintiffs have established their claim of fraud against Defendant? ¹

Yes: _____

No: _____

If you answered “No” to Question Number 1 [and 3], go no further, have the jury foreperson sign at the bottom of this verdict form, and notify the bailiff that you have reached a verdict.

If you answered “Yes” to Question Number 1 [or 3], proceed to Question Number 4.

4. What amount of royalties, if any, do you find by a preponderance of the evidence are due and owing by Defendant to Plaintiffs?

\$ _____

5. Do you find by clear and convincing evidence that Defendant acted with actual malice toward Plaintiffs, or that Defendant acted with a conscious, reckless, and outrageous indifference to the health, safety, and welfare of others?²

Yes: _____

No: _____

If you answered “No” to Question Number 5, go no further, have the jury foreperson sign this verdict form, and notify the bailiff that you have reached a verdict.

If you answered “Yes” to Question Number 5, proceed to Question Number 6.

¹ Question nos. 3, 5 and 6 are being offered **only** in the event this Court finds that Plaintiffs may present evidence on this issue and/or in the event the Court gives the jury an instruction on the issues of fraud and/or punitive damages. In submitting these proposed questions, Defendant is not waiving any objections to argument or evidence on these issues at trial.

² See FN 1.

6. What amount of punitive damages, if any, do you find by clear and convincing evidence should be assessed against Defendant?³

\$ _____

Please sign this verdict form and return it to the bailiff.

Foreperson

Date

**EQT PRODUCTION COMPANY,
By Counsel.**

/s/ David K. Hendrickson 08/27/2018

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³ See FN 1.

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(Judge Keeley)**

EQT PRODUCTION COMPANY,

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CERTIFICATE OF SERVICE

I, David K. Hendrickson, counsel for defendant, do hereby certify that on the **27th day of August, 2018**, I have served a true and accurate copy of the foregoing **“DEFENDANT’S PROPOSED JURY VERDICT FORM”** upon counsel of record listed below, using the Court’s CM/ECF system, which will electronically deliver a true copy thereof to the following:

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/s/ **David K. Hendrickson** 08/27/2018
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